IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2284 OF 2006

Mr.Rajiv Dayachander Makkar & 2 Ors. ...Applicants.
V/s.
The State of Maharashtra & Anr. ...Respondents.

Ms.Malika Ingale for Applicants.

Mr.Shailesh Shrivastava for Respondent No.2.

Mr.P.A.Pol, A.P.P. for the Respondent-State.

CORAM: D.B.BHOSALE, J.
DATE : 26th June, 2006.

P.C.:

1. The Applicants have prayed for quashing of the proceeding being C.C.No.582/PW/2004 pending before the learned Metropolitan Magistrate's 48th Court, Andheri, Mumbai. This case has been registered against the applicants at the instance of Respondent No.2 under Sections 498(a), 406, 342, 506(2) and 114 of the Indian Penal Code. The Applicant No.1 and respondent no.2 are husband and wife. They are present in the Court. The learned counsel appearing for the Applicants and Respondent No.2 state that pending the aforesaid proceeding, they have amicably settled the dispute. They have started staying together from August, 2005 and are leading happy matrimonial life and both prayed for quashing of the criminal proceedings in view of law laid

down by the Apex Court in the case of **B.S.Joshi and others, v. State of Haryana and another** reported in **AIR 2003 SUPREME COURT 1386**. In that case the Supreme Court has observed thus:

> " The hyper-technical view would be counter productive and would act against interests of women and against the object for which this provision was added. There is every likelihood that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from settling earlier. That is not the object of Chapter XXA of Indian Penal Code."

2. This Court in exercise of its inherent powers can quash criminal proceedings and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code.

3. In the circumstances, the criminal proceeding bearing no.C.C.No.582/PW/2004 is quashed and set aside.

4. The Petition stands disposed of.

...

(D.B.BHOSALE, J.)